

# Privacy Policy Requirements (New Hampshire)

## What Needs to Be In The Privacy Policy?

- ☐ **1. The following is required to be included in a privacy notice (507-H:6)(III):**
  - ☐ The categories of personal data processed by the controller;
  - ☐ The purpose for processing personal data;
  - ☐ How consumers may exercise their consumer rights, including how a consumer may appeal a controller's decision with regard to the consumer's request;
  - ☐ The categories of personal data that the controller shares with third parties, if any;
  - ☐ The categories of third parties, if any, with which the controller shares personal data;
  - ☐ An active electronic mail address or other online mechanism that the consumer may use to contact the controller; and
  - ☐ The date the privacy notice was last updated.
  
- ☐ **2. Additionally, if the controller sells personal data to third parties or processes personal data for targeted advertising (507-H:6)(IV):**
  - ☐ The controller shall clearly and conspicuously disclose such processing, as well as the manner in

which a consumer may exercise their right to opt out of such processing.

☐ **3. A controller shall establish and describe in a privacy notice, one or more secure and reliable means for consumers to exercise their consumer rights: (507-H:6)(V):**

- ☐ Such means shall consider the ways consumers:
  - ☐ Normally interact with the controller;
  - ☐ The need for secure and reliable communication of such requests; and
  - ☐ The ability of the controller to authenticate the identity of the consumer making the request.
- ☐ A controller shall not require a consumer to create a new account in order to exercise its consumer rights, but may require a consumer to use an existing account.
- ☐ Any such means shall include:
  - ☐ A clear and conspicuous link on the controller's Internet website to an Internet webpage that enables a consumer, or an agent of the consumer, to opt-out of the targeted advertising or sale of the consumer's personal data; and
  - ☐ No later than January 1, 2025, allowing a consumer to opt out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of such personal data, through an opt-out preference signal sent, with such consumer's consent, by a platform, technology, or mechanism to the controller indicating such consumer's intent to opt-out of any such processing or sale. Such platform, technology, or mechanism shall:

- ☐ Not unfairly disadvantage another controller;
  - ☐ Not make use of a default setting, but, rather, require the consumer to make an affirmative, freely given and unambiguous choice to opt-out of any processing of such consumer's personal data;
  - ☐ Be consumer-friendly and easy to use by the average consumer;
  - ☐ Be consistent as possible with any other similar platform, technology or mechanism required by any federal or state law or regulation; and
  - ☐ Enable the controller to accurately determine whether the consumer is a resident of this state and whether the consumer has made a legitimate request to opt-out of any sale of such consumer's personal data or targeted advertising.
- ☐ If a consumer's decision to opt-out of any processing of the consumer's personal data for the purposes of targeted advertising, or any sale of such personal data, through an opt-out preference signal sent in accordance with the statute conflicts with the consumer's existing controller-specific privacy setting or voluntary participation in a controller's bona fide loyalty, rewards, premium features, discounts, or club card program, the controller shall comply with such consumer's opt-out preference signal, but may notify such consumer of such conflict and provide to such consumer the choice to confirm such controller-specific privacy setting or participation in such program.
- ☐ If a controller responds to consumer opt-out requests received pursuant to the statute by informing the consumer of a charge for the use of any product or service, the controller shall present the terms of any financial incentive offered pursuant to the statute for the

retention, use, sale or sharing of the consumer's personal data.

**How Does The Privacy Policy Need To Be Provided?** (507H:6)(III):

- ☐ A clear and meaningful privacy notice in a reasonably accessible format.
- ☐ Such notice shall be reasonably accessible to consumers with disabilities, including through the use of digital accessibility tools.

**Where Does The Privacy Policy Need To Be Provided?** (507-H:6)(III):

- ☐ Online, on accompanying mobile applications, or on a device through which consumers regularly interact with the controller, if applicable